

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD ON  
JULY 26, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE  
MEMBERS: EDWARD GALLAGHER  
TONY POPOVSKI  
VICTORIA SELVA  
DAWN SLOSSON

ABSENT: NONE

ALSO PRESENT: JERRY SCHMEISER, PLANNING CONSULTANT  
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:02 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*  
*Note: All fees have been received and all property owners were notified by mail*

**MOTION by SELVA seconded by SLOSSON to approve the agenda as presented.**

**MOTION carried.**

4. Approval of the previous meeting minutes:

Deferred to August 3, 2005 meeting.

PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD ON  
JULY 26, 2005

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
(5) Antonio Cavaliere Permanent Parcel No. 08-35-300-006 08-35-300-07	Section 10.1705(D)(2)(A) 10.1705(G) 10.1705(K)(2)
5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE; Permission to vary section: 10.1705(D)(2)(A)-Request to reduce side yard setback from 100' to 50'. 10.1705(G)-Request to eliminate a 50' greenbelt and wall and replace with a 6' temporary wood fence. 10.1705(K)(2)-Request to reduce building setback from 100' to 50'. Located on East side of Card Road, 456' north of Hall Road; Section 35; Anthony Cavaliere, Petitioner. Permanent Parcel No. 08-35-300-006 and 08-35-300-007	

Chairman FLORENCE read the findings and recommendations of July 21, 2005. They are as follows:

The petitioner is requesting permission to eliminate a required greenbelt and wall from the proposed office building on the above described property.

The petitioner is planning to develop an office building. The parcel of property to the north is zoned C-3 and contains an occupied residence. The Zoning Ordinance requires a 50' wide greenbelt and a 6' wall where a C-3 parcel is zoned and or utilized for residential purposes. The parcel to the north is owned by a developer who the petitioner indicates plans to raze the residential structure and develop the property for non-residential purposes. No time has been set for the razing of the residential structure.

The petitioner's property consists of two parcels which have not yet been combined.

The petitioner proposes to erect a temporary 6' high wood fence as a buffer between the office proposal and the existing residence.

**RECOMMENDATION:**

It is recommended that the variance request be approved with the understanding that the petitioner will construct the temporary wall prior to the construction beginning on the office center. Further, that the parcels will be combined prior to the building permits being issued.

The following letter of explanation was submitted by the petitioner dated July 19, 2005 as follows:

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD ON  
JULY 26, 2005

“Applicant is proposing to construct an office building on his property that is zoned C-3. The property to the north along the 500’ boundary is zoned C-3. It has two parcel; 08-35-300-005 which has a house on it and comprises approximately 60’ x 150’ of the 500 feet and the remaining 350’ is parcel 08-35-300-004 which is vacant land. Mr. Sam LoChirco has purchased both parcels to the north which as state are zoned C-3 and he has indicated that he intends to develop both parcels for some commercial office use. He has indicated that he is not prepared at this time to demolish the existing house but does intend to do so in the near future.

Petitioner’s dilemma is that without the variance of 100’ to 50’ for side yard and building setback along the portion of the north lot line which abuts the house i.e. +/- 150’ the entire proposed project would be difficult and impractical to build. The proposed building cannot be shifted 50’ because the property is not wide enough.”

Antonio Cavaliere, petitioner, was in attendance, and stated the findings explained the request being made.

Sam LoChirco, property owner to the north was also in attendance.

Chairman FLORENCE asked Sam LoChirco what his plans were for the property directly to the north of the property under consideration.

Sam LoChirco stated it would most likely be office.

Public Portion: None.

**MOTION by GALLAGHER seconded by POPOVSKI to close the public portion.**

**MOTION carried.**

**The following resolution was offered by GALLAGHER and seconded by SELVA:**

**Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;**

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD ON  
JULY 26, 2005

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.1705(D)(2)(A)-Request to reduce side yard setback from 100 feet to 50 feet; Located on the east side of Card Road, 456 feet north of Hall Road; Section 35; Antonio Cavaliere, Petitioner. Permanent Parcel No. 08-35-300-006 and 08-35-300-007.

**MOTION carried.**

The following resolution was offered by POPOVSKI and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.1705(G)-Request to eliminate a 50 foot greenbelt and wall and replace with a 6 foot temporary wood fence; Located on the east side of Card Road, 456 feet north of Hall Road; Section 35; Antonio Cavaliere, Petitioner. Permanent Parcel 08-35-300-006 and 08-35-300-007. The variance was conditioned upon the understanding that the petitioner will construct the temporary wall prior to the construction beginning on the office center. Further, that the parcels will be combined prior to the building permits being issued.

**MOTION carried.**

The following resolution was offered by POPOVSKI and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD ON  
JULY 26, 2005

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.1705(K)(2)-Request to reduce building setback from 100 feet to 50 feet; Located on the east side of Card Road, 456 feet north of Hall Road; Section 35; Permanent Parcel 08-35-300-006 and 08-35-300-007. The variance was conditioned upon the 6 foot temporary fence being installed along the petitioners north property line extending from the west point of the parking area to the to the east property line of the residential property.

**MOTION carried.**

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. PLANNING CONSULTANTS COMMENTS

Jerome R. Schmeiser, Planning Consultant, stated there was special meeting scheduled for August 3, 2005.

9. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN CONNECTION WITH THE AGENDA.

**MOTION by GALLAGHER seconded by POPOVSKI to receive and file all correspondence.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by SLOSSON seconded by SELVA to adjourn the meeting at 7:19 P.M.**

**MOTION carried.**

Respectfully submitted,

---

Brian Florence, Chairman

---

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary  
BK